

IPEC Country Profile: Nepal

Child Labour in Nepal

According to ILO-IPEC's last National Child Labour Survey (1996), about 42 percent of children from 5 to 14 years old work, representing some 2.6 million children out of 6.2 million.

Child labour in Nepal is a widespread problem and can be found in many economic activities: in agriculture; in manual trades such as basket-making, sewing, iron smithy and weaving; and in industrial sectors such as brick-making, stone quarrying, carpet-making and garment manufacturing. Large numbers of children are also exploited in the service and informal sectors -- in domestic work, eating establishments, portering, ragpicking, and in debt bondage, either because they have been given individually as collateral for debt, or because they are part of a bonded family.

The sexual exploitation of children is on the rise in urban Nepal. Thousands of girl children are trafficked and forced into prostitution annually both domestically and abroad. There is also evidence that a considerable number of children under the age of 16 are being used in the six-year old insurgency movement affecting many parts of the country.

IPEC in Nepal

In February 1995, His Majesty's Government of Nepal signed a memorandum of understanding (MOU) with the International Labour Organization to launch a national programme to eliminate child labour in cooperation with the ILO's International Programme on the Elimination of Child Labour (IPEC). Later, the National Steering Committee on Child Labour was formed by the Ministry of Labour in accordance with the MOU.

To date, more than 100 Action and Mini-programmes have been implemented in Nepal. These programmes have been carried out in four principal areas:

- formulation of appropriate policies and programmes by governmental and non-governmental organisations;
- programmes of direct intervention with child workers;
- awareness raising and community mobilisation; and
- legislation and enforcement.

To date, nearly 12,000 working children, including child bonded labourers, have received educational support and their families provided with alternative economic opportunities.

To implement these projects, IPEC-Nepal has developed a wide spectrum of partnerships with government agencies, employers' and workers' organizations, the UN system, the donor community and civil society groups. Sixteen Action and Mini-programmes have been launched in partnership with the government, four in partnership with employers' organisations, 13 with trade unions, 11 with educational establishments, and 61 with the non-governmental organisations (including media

agencies). While some of these have focussed on selected districts, others have covered the entire country.

Nepal has also been selected as one of the participating countries in a sub-regional project: the South Asian Sub-Regional Programme to Combat Trafficking in Children, an IPEC project funded by US Department of Labor, and launched in Nepal in December 2000. The programme takes into account the special situation of the girl child.

A joint project between IPEC and ILO's InFocus Programme on Promoting the Declaration¹ on the "Sustainable Elimination of Bonded Labour" was launched in November 2000. It is hoped that this project will contribute significantly to improve the situation of the children of the *Kamaiyas* (bonded labourers liberated in July 2000) and to improve fundamental principles and rights at work in Nepal.

In addition, IPEC-Nepal is also implementing the second phase of a programme funded by the Italian Social Partners' Initiative for the elimination of child bonded labour in western Nepal in cooperation with UNICEF and employers' and workers' organizations. This second phase is also being funded by the Government of Italy.

IPEC National Partners: Government Agencies, Organisations and Donors

Participating government agencies

Ministry of Labour and Transport Management (MOLT)
Ministry of Women, Children and Social Welfare (MOWCSW)
Ministry of Land Reform and Management (MOLRM)
Ministry of Education (MOE)
Kathmandu Metropolitan Corporation (KMC)

Participating employers' and workers' organisations

Federation of Nepalese Chamber of Commerce and Industry (FNCCI)
Nepal Trade Union Congress (NTUC)
General Federation of Nepalese Trade Unions (GEFONT)
Democratic Confederation of Nepalese Trade Unions (DECONT)

Participating non-governmental organisations

National Society for the Protection of Environment and Children
Dhaulagiri Community Resource Development Centre
Legal Aid and Consultancy Centre

Others

Central Department of Population Studies (CDPS)
Faculty of Education (FOE)
St. Xavier's Campus (SXC)
Media Line

Donors - government

Australia: AUSAID
Denmark: DANIDA
Federal Republic of Germany
Norway
United States of America: USDOL

¹ ILO Declaration on Fundamental Principles and Rights at Work (1998)

Government policy towards child labour

The Constitution of Nepal (1990) seeks to protect the interest of children by conferring on them fundamental rights, while imposing duties on the state in the form of “directive principles and policies of the state”. Article 20 of the Constitution guarantees the right against exploitation. It prohibits traffic in human beings, slavery, serfdom or forced labour in any form and any contravention of the provision is punishable under law. The Article also prohibits the employment of minors in any factory, mine or any other hazardous work. The Labour Act of 1992 and the Children’s Act 1992, enacted in pursuance of the constitutional mandate, make the employment of children below the age of 14 an offence.

During the past five years, there has been a substantial increase in the commitment level of the government towards combating child labour and bonded labour and putting in place labour standards in general. Indeed, eradication of the worst forms of child labour has become an essential element of the national development strategy.

The Child Labour Prohibition and Regulation Act was endorsed by both houses of parliament in 2000. The Children’s Act – 1992 has been amended to make the Act more abuse specific, especially with regard to sexual abuse against children. There are currently two bills in parliament to combat trafficking in women and children and to abolish bonded labour.

Nepal is signatory to the UN Convention on the Rights of the Child (1989). It also ratified ILO’s Minimum Age Convention No. 138 in 1997 and is in the process of ratifying ILO Convention No. 182 on the worst forms of child labour.

The government took a landmark decision in July 2000 by outlawing the practice of *Kamaiyas*, whereby generations of families worked as bonded labourers trying to pay off debts incurred by their ancestors.

Factors contributing to child labour in Nepal

The problem of child labour is severe and the principal cause is acute poverty. However, a number of other factors also contribute:

- lack of access to education for children;
- employer – worker relationships in rural areas;
- rural to urban migration;
- family problems – such as violence or significant changes in the family structure caused by death of a parent, and remarriage (for example, Nepalese culture does not favor the adoption of stepchildren);
- inadequate enforcement of labour and criminal laws;
- social customs, values and attitudes that attribute a very low status to children; and
- lack of education of parents.

Extreme Poverty

Nepal is one of the poorest countries in the world with a GNP per capita of US\$ 220 and with over half of the population living on less than one dollar a day. More than 80 percent of the population depends directly on agriculture, while others are engaged in the production and service sectors. The adult illiteracy rate is 60 percent, with female illiteracy at 77 percent. Boys' net primary school enrollment is 80 percent, while that for girls is only 58 percent. In 2000, Nepal ranked 144th out of 174 countries in the UNDP's Human Development Index, measuring relative achievement in terms of life expectancy, educational attainment and adjusted real income.

Socio-economic indicators	1990	1995	1996	1997	1998	1999
Population (millions)	18.8	21.3	21.8	22.3	22.9	23.4
▪ Urban population (millions)	1.7	2.2	2.3	2.4	2.6	2.7
Population growth	2.6	2.5	2.4	2.4	2.4	2.3
Adult illiteracy – female (% of total)	85.9	81.4	80.4	79.4	78.3	77.2
Adult illiteracy – male (% of total)	52.5	46.6	45.4	44.2	43.1	42.0
Real GDP growth (%)	4.6	3.5	5.3	5.1	2.3	3.4
Agriculture, value added (% GDP)	51.6	41.8	41.5	41.4	40.5	41.3

Sources: World Bank, World Development Indicators

Sectors associated with the worst forms of child labour

▪ Bonded labour

It has been estimated that there are about 33,000 bonded child labourers in Nepal. Some 13,000 of these are Kamaiya children working on the same farm as their parents; the rest are bonded child labourers working in hotels, small tea establishments, brick kilns, stone quarries, the carpet industry and domestic service.

In July 2000, the Nepali parliament declared the practice of *Kamaiya* and *saunki* (bonded labourers' debts) illegal. However, it will take time to put in place the required legislation, enforcement mechanisms and alternatives for freed labourers needed to completely eradicate these practices countrywide. Until then, the freed Kamaiya children will remain vulnerable to falling into other forms of child labour.

▪ Domestic child labour

There are an estimated 83,000 children under the age of 18 working as domestic servants in Nepal. In Katmandu Municipality, where around 18 out of 100 households employ a child domestic worker, there are some 22,000

children under the age of 15 working in this sector. According to a recently completed IPEC Rapid Assessment Survey, more than half (57 %) of these are boys.

Often from large poor rural families, these young child domestics are invisible as they are mostly confined to the four walls of the household and often have very little contact with the outside world. At the beck and call of the employers on a 24-hour basis, these children are highly vulnerable to abuse and exploitation.

- **Portering**

Child porters are used to carry goods in many urban market centers, to load, unload and fetch luggage in bus parks, and to transport goods and construction materials on various cross-country routes. The use of children as porters has been a traditional survival strategy for impoverished rural families for generations. Over 90 percent of all child porters originally come from rural areas.

There are two general types of child porters: short distance porters who work in market/business centers and bus parks; and long distance porters who carry loads along rural routes and who are generally seasonal workers. IPEC estimates that there are about 46,000 children who work as long distance porters and about 3,900 short distance porters in Nepal. Most child porters are boys between the ages of 10 and 17 years of age. Short distance porters tend to be older, 15 years on average, while long distance porters are on average 14 years old.

While Nepalese law prohibits minors from carrying more than 25 kg, this restriction is generally ignored. As wages are often determined by the weight of the load, these children frequently carry loads that exceed their own body weight. According to a recent IPEC Rapid Assessment Survey, the average weight load of a short distance child porter is 56 kilos, while that for long distance child porters is 35 kilos.

Child porters face a number of serious health risks: increased heart, circulatory and digestive problems, tuberculosis, malnutrition and stunted growth, chronic leg and back pain and a life expectancy shortened by as much as 20 to 30 years. The longer the distance, the greater the exposure to hazards. Long distance porters carry loads for many days (on average six), do not eat regularly and risk accidents on dangerous mountain paths.

- **Ragpicking**

There are an estimated 4000 children engaged in ragpicking in the various urban centers of Nepal, with the highest concentrations found in Kathmandu and Dharan. The large majority of these children are boys from 10–14 years of age who migrate from rural or hill regions.

Ragpicking, or the collecting recyclables – rags, plastics, metal and glass bottles -- from dumpsites, street corners and riverbanks, is by nature a

hazardous activity. Child ragpickers are exposed to Tetanus and other infections caused by cuts from sharp metal pieces, broken glass, and other materials and also risk dog bites. The likelihood of falling ill is very high since they operate in unhygienic, polluted areas, and consume dirty or unhealthy food and water. These children are also vulnerable to drug addiction and HIV/AIDS and are exposed to criminal activities.

- **Trafficking**

Trafficking refers to the involuntary transportation of women and children, and forcible removal of the victims from the place or origin and family, for the purposes of forced labour, most often in the sex industry. In Nepal, most trafficking involves the delivery of women and girls to brothels in urban centers and across the border in India. Estimates of the total number of girls under the age of 18 trafficked annually vary, but it is likely that at least 7000 girls are trafficked to India alone and that as many as 30,000 Nepalese girls are exploited in Indian brothels.

Trafficking generally occurs through coercion, fraud, and deception, often from workplaces using child labour; but sometimes also from remote and poor areas where young girls are sold to traffickers with the silent consent of parents.

Apart from the country's extreme poverty, no single reason appears to explain the root causes of trafficking in Nepal. Factors such as growing consumerism, mother's illiteracy, family dysfunction, gender discrimination, traditional marriage practices, inadequate law enforcement and lack of political will and resources also seem to contribute to trafficking in girl children for commercial sexual exploitation.

Girls trafficked to brothels in the large urban areas of Nepal or across the border to India suffer severely, both mentally and physically. Those who return home face severe social stigma and exclusion, and many are HIV positive.

Nepal's Time-bound Programme

Nepal was selected to be the first country in Asia to launch a Time-bound Programme. This compliments efforts being undertaken by the Ministry of Labour and Transport Management to develop its 10-year Master Plan of Action against Child Labour.

The Time-bound Programme approach is more comprehensive than earlier approaches as it considers macroeconomic factors and social trends that were not adequately considered earlier. It combines sectoral, thematic and geographical approaches and links action against child labour to the national development effort as a whole, including economic and social policies. It is also characterised by a strong emphasis on social mobilization and on engaging the leadership of the country.

Child bonded labour, child trafficking and child domestic labour have been identified as priority areas of work in Nepal. Child porters and children in hazardous

occupations such as ragpicking are also activities on which the Time-bound Programme will focus.

In preparation for the implementation for the programme, a number of activities have been undertaken, including:

- the successful completion of five rapid assessments on all the above sectors;
- the commissioning of three policy analyses on education, legislation and poverty/decentralisation;
- the production of an IPEC partner capacity and training needs assessment, revealing particular strengths, weaknesses, opportunities and threats as perceived by ILO-IPEC partners;
- the initiation of a Child Labour Programme Overview, including geographical mapping and database of child labour related projects;
- publication and distribution of advocacy materials on the worst forms of child labour such as booklets, posters, stickers and campaign materials on Convention No. 182;
- five regional workshops and an additional gender workshop at the central level to inform and mobilise the district and central level government officials and gender experts on the concept of the TBP; and
- a national roundtable on the Time-bound Programme with key policy makers and IPEC partners was held in early May 2001 to further define priorities for the programme.